

**European Union comments for the
CODEX COMMITTEE ON CONTAMINANTS IN FOOD
12th Session**

**Utrecht, The Netherlands, 12-16 March 2018
Agenda Item 11**

**Proposed draft maximum levels for total aflatoxins and ochratoxin A in
nutmeg, chilli and paprika, ginger, pepper and turmeric and associated
sampling plans**

(CX/CF 18/12/11)

*European Union Competence
European Union Vote*

The European Union (EU) welcomes and appreciates the work done by the electronic working group led by India to prepare the document CX/CF 18/12/11 related to the proposed draft maximum levels for total aflatoxins and ochratoxin A in nutmeg, chilli and paprika, ginger, pepper and turmeric and associated sampling plans.

As regards the recommendations mentioned in § 8 and 9, the EU wishes to make the following comments:

a) on the proposed MLs for total aflatoxins in nutmeg, chilli and paprika, ginger, pepper and turmeric

The proposed approach is setting maximum levels (MLs) largely reflective of the MLs set by most of the spice producing and exporting countries in order to address immediate trade concerns, with a review of the MLs after three years of implementation of the "Code of practice for the prevention and reduction of mycotoxins in spices (CXC 78-2017)". The EU is of the opinion that an effective implementation of the Code of practice for the prevention and reduction of mycotoxins in spices shall result in lower levels of aflatoxins and ochratoxin A in spices. It is noted that in the proposed approach the review of the MLs is presented as optional without any commitment to set lower MLs.

The EU has established a ML for aflatoxin total of 10 µg/kg in nutmeg, chilli, paprika, ginger, pepper and turmeric. This ML is in place since 2002.

The proposed approach relates to a certain extent to the discussion at the 9th session of the CCCF in 2015 on approaches for phasing in of lower maximum levels for contaminants (REP15/CF, agenda item 13, §§ 109-117). During these discussions, the Codex secretariat confirmed that a note to such an ML (higher ML with phasing in of lower ML) indicating that "*in case a Codex Member has already a lower ML in place, it is recognised that the Codex*

Member is allowed to maintain their current lower ML until the review of the level within the defined period of time has been finalised" is not appropriate.

Therefore, the EU cannot agree to the suggested MLs of [30] [20] µg/kg for aflatoxin total in nutmeg, chilli, paprika, ginger, pepper and turmeric.

a) on the proposed ML for ochratoxin A in nutmeg, chilli and paprika, ginger, pepper and turmeric

The EU can agree to the proposed ML for ochratoxin A of 20 µg/kg in chilli and paprika.

The EU has established a ML of 15 µg/kg for ochratoxin A in nutmeg, ginger, pepper and turmeric. This ML is in place since 2012. The analytical results of the control of the presence of ochratoxin A in these spices, clearly indicate that the level of 15 µg/kg is achievable in these spices by applying good practices to prevent and reduce the presence of ochratoxin A. The EU is therefore of the opinion that for these spices an ML of 15 µg/kg for ochratoxin A should be established.